

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

No.05-30119-REGS

DAN MEDINA,

Plaintiff,

v.

JOSEPH L. TAURO, United States District Judge,
and LAURA GENTILE, Assistant Clerk of the
Hampden Superior Court,

Defendants.

**DEFENDANT LAURA GENTILE'S MOTION TO DISMISS
COMPLAINT¹**

Pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), and the Commonwealth of Massachusetts' Tort Claims Act, G.L. c. 258, §§ 3 and 4, defendant Laura Gentile ("Ms. Gentile or state defendant) respectfully moves to dismiss the Complaint for, inter alia, lack of subject matter jurisdiction, sovereign and/or judicial immunity, and failure to state a claim.

¹ Dan Medina originally filed this complaint and several others in the Hampden Housing Court against state and federal judicial officials and some private individuals. This Complaint (Medina v. Tauro et al) and three others, (Medina v. Wolf et al, 05-30119; Medina v. Gonzales et al, 05-30121; and Medina v. Mueller et al, 05-30120, involving federal officials, have been removed to this court. Separate motions to dismiss are being filed for them simultaneously herewith.

In further support of her motion, Ms. Gentile relies on the accompanying memorandum of law.

Respectfully Submitted,

LAURA GENTILE,
Assistant Clerk of the Hampden Superior Court

By her attorney,


Christopher O. Quaye, BBO # 637594
Administrative Attorney
Administrative Office of the Trial Court
Two Center Plaza, Room 540
Boston, MA 02108

(617) 878-0207

Date: June 13, 2005